

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

SURINDER S. BRATCH,

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES LLC
and EXPERIAN INFORMATION
SOLUTIONS, INC.

Defendants.

Case No. CV 09-1724 RSM

JOINT STATUS REPORT AND
DISCOVERY PLAN

COME NOW Plaintiff Surinder S. Bratch, by and through their attorneys Christina Latta Henry and Seattle Debt Law, LLC, Defendant Experian Information Solutions, Inc., by and through its attorneys Katherine A. Klimkowski and Jones Day, and Equifax Information Services, LLC, by and through its attorneys Cara L. Hergenroether and King & Spalding, LLP, hereby submit this Joint Status Report and Discovery Plan.

1. **Nature of the Case:** This case concerns whether the Defendants violated the Fair Credit Reporting Act, 15 U.S.C. §1681 *et seq.*, the Washington Consumer Protection Act, RCW 19.86 *et seq.*, the common law torts of Defamation and Invasion of Privacy/Intrusion upon Seclusion breached its contract(s) with the Plaintiffs, and/or committed the torts of Defamation and Invasion of Privacy/Intrusion upon Seclusion. Defendants deny each claim asserted by plaintiff and have asserted affirmative defenses.

1 **2. Proposed ADR Method:**

2 A. **Plaintiff:** Plaintiff prefers a court ordered mediation.

3 B. **Defendant:** Experian Information Solutions, Inc requests a Judicial Settlement
4 Conference.

5 C. **Defendant:** Equifax Information Services LLC requests mediation.

6 **3. ADR Time:** June, 2010.

7 **4. Proposed Deadline for Joining Additional parties:** Parties agree the deadline for
8 joining additional parties should be June, 2010.

9 **5. Proposed Discovery Plan:**

10 A. **FRCP 26(f):** Conference took place on February 19, 2010 and the disclosures
11 under FRCP26(a) will be made by February 26, 2010. Plaintiffs served initial
12 disclosures on March 4, 2010. Defendant Equifax Information Services LLC
13 served initial disclosures on Friday, February 26, 2010. Experian Information
14 Solutions, Inc served Initial Disclosures on February 26, 2010.

15 B. **Subjects of Discovery:** Discovery will be necessary as to the allegations of
16 Plaintiffs' Complaint as well as the substantive and affirmative defenses. The
17 parties anticipate depositions of the parties and limited depositions of third party
18 witnesses, within compliance of the guidelines set forth in the Local Rules and the
19 Federal Rules of Civil Procedure. At this time, the parties do not believe any
20 other limitations on discovery are necessary. Parties agree that discovery does not
21 need to be completed in phases.

22 C. **Changes in Limitation of Discovery:** Five depositions each for defendants and
23 plaintiff.

24 D. **Discovery Management:** The parties anticipate exchanging written discovery
25 pursuant to the applicable Federal Rules of Civil Procedure, including but not
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limited to interrogatories, requests for production of documents, and requests for admissions. Plaintiffs anticipate deposing the Defendants and/or its officers, agents and/or representatives under the guidelines of FRCP 30 and possibly other third parties that may have knowledge regarding alleged liability or damages. Defendants anticipate deposing the Plaintiff and possibly third parties that may have knowledge regarding alleged liability or damages. Defendants Experian and Equifax anticipate requesting a protective order for some of their discovery disclosures.

6. **Discovery Completion:** Discovery can be completed by September, 2010, approximately 120 days before the proposed trial date.
7. **Trial by Magistrate Judge:** The parties do not consent to having this case tried before a magistrate judge of this Court.
8. **Bifurcation:** The parties do not believe it is necessary to bifurcate the case.
9. **Pretrial Statements and proposed pretrial order:** The parties anticipate filing pretrial statements and a proposed pretrial order as called for by Local Rules CR 16(e), (h), (i), and (l).
10. **Other suggestions:** Dispositive Motions: The parties anticipate filing all dispositive motions, including but not limited to motions to dismiss and motions for summary judgment, no later than October, 2010, approximately 90 days prior to the trial date.
11. **Trial Readiness:** The case will be ready for trial on December, 2010.
12. **Jury:** Plaintiff has requested a jury trial.
13. **Trial Days:** Parties estimate the trial will take three to five court days.

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14. **Trial Counsel:**

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15. **Service of process issues:** None.

16. **Scheduling Conference:** At this time neither party requests a scheduling conference with the Court.

17. **Service of future pleadings:** Counsel agrees to have this and all future pleadings and documents served via e-mail to the e-mail addresses listed above. However the parties have agreed that discovery will be served via first class mail.

1 DATED this 5th day of March, 2010

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3 PRESENTED AND AGREED TO BY:

4 SEATTLE DEBT LAW, LLC

5
6 By: /s/ Christina Latta Henry
Christina Latta Henry, WSBA# 31273
7 Attorney for Plaintiff

8 WINSTON & CASHATT

9
10 By: /s/ Kevin Breck
Kevin Breck, WSBA#39183
11 Attorney for Defendant
Equifax Information Services LLC

12 JONES DAY

13
14 By: /s/ Katherine A. Klimkowski
Katherine A. Klimkowski, PRO HAC VICE
15 Attorney for Defendant
Experian Information Solutions, Inc.